

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Joseph LOSCALZO et al.	Confirmation No.:	9697
Application No.:	10/692,724	Art Unit:	1657
Filed:	October 27, 2003	Examiner:	K. C. Srivastava
Title:	METHODS OF TREATING VASCULAR DISEASES CHARACTERIZED BY NITRIC OXIDE INSUFFICIENCY		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SECOND RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED
PRIORITY CLAIM UNDER 37 C.F.R. § 1.78(a)(3)**

Dear Madam:

In response to the Decision on the Renewed Petition under 37 C.F.R. § 1.78 mailed February 24, 2009 ("Decision"), Applicants hereby submit this Second Renewed Petition to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of a prior-filed nonprovisional application, as provided under 37 C.F.R. § 1.78(a)(3). In the accompanying amendment under 37 C.F.R. § 1.312, Applicants submit the reference to the earlier-filed nonprovisional application as required under 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2). Applicants also submit a Supplemental Application Data Sheet ("ADS") that contains the required reference.

The instant Second Renewed Petition is required to submit the reference to the earlier-filed nonprovisional application as required under 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2). No fees are due with this Second Renewed Petition, as the surcharge set forth in 37 C.F.R. § 1.17(t) has previously been paid, as stated in the Decision. Applicants do hereby state that the entire delay, from the date the claim of priority was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date of the filing of the claim herewith, was unintentional.

Applicants filed the initial Petition under 37 C.F.R. § 1.78 on March 25, 2008, and Renewed Petition on August 13, 2008, to add priority claims to U.S. Application No. 10/687,706 and its parent applications. As shown the accompanying Amendment under 37 C.F.R. § 1.312, the instant application should claim priority to two chains of predecessor applications: (i) as a CIP of U.S. Application No. 10/679,257 and its parents; and (ii) as a continuation of U.S. Application No. 10/687,706 and its parents. However, the priority claim to chain (ii) had not been perfected during the time period specified in 37 C.F.R. § 1.78 due to a typographical error in the specification that had inadvertently not been corrected prior to allowance of the instant application. Applicants subsequently filed the first Petition on March 25, 2008 to seek acceptance of an unintentionally delayed priority claim to U.S. Application No. 10/687,706 and its parent applications. A Renewed Petition was filed on August 13, 2008 to correct a formality in the first petition.

In response to the Renewed Petition, the Patent Office issued a Decision dated February 24, 2009 in which the petitions examiner noted three specific errors to be corrected before the Petition could be granted. Applicants have corrected the errors indicated by the petitions examiner in the accompanying Amendment under 37 C.F.R. § 1.312 and Supplemental ADS. Specifically, the relationship between PCT/US01/14245 and PCT/US00/29528 is now indicated as a continuation-in-part application; the relationship between U.S. Application No. 10/679,257 and U.S. Application No. 09/697,317 is now indicated as a divisional application; and the applications listed in the "Foreign Priority Information" in the Supplemental ADS have been removed.

In addition to correcting the errors indicated in the Decision, Applicants have also corrected an additional omission that was not noted until after the filing of the Renewed Petition on August 13, 2008. During a review of the file for U.S. Application No. 10/687,706, it was noted that its parent application PCT/US00/29528 should also claim priority to the same two U.S. provisional applications, U.S. Provisional Application Nos. 60/162,230 filed October 29, 1999 and 60/179,020 filed January 31, 2000, that U.S. Application No. 09/697,317 claims priority to. In other words, referring again to the accompanying Amendment and Supplemental ADS, both chains of priority (i) and (ii) should ultimately relate back to the same two provisional applications. Applicants have filed a petition for an unintentionally delayed priority

claim in U.S. Application No. 10/687,706 to seek acceptance of this additional priority link between PCT/US00/29528 and the two provisionals in chain (ii). In order for the priority information to be consistent among all the applications in this patent family, Applicants also seek acceptance of this additional priority claim between PCT/US00/29528 and the two provisionals in the instant application.

In summary, Applicants respectfully request acknowledgement of the acceptance of their proper claim of priority to the earlier-filed nonprovisional application, U.S. Application No. 10/687,706 filed October 20, 2003, which is a continuation of U.S. Application No. 10/415,136 filed April 25, 2003, which is a § 371 of PCT/US01/14245 filed May 2, 2001, which is a continuation-in-part of PCT/US00/29528 filed October 27, 2000, which claims priority to U.S. Provisional Application No. 60/179,020 filed January 31, 2000, and U.S. Provisional Application No. 60/162,230 filed October 29, 1999.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0219, under Order No. 0102258.00170US3 from which the undersigned is authorized to draw.

Respectfully submitted,

Dated: March 13, 2009

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